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LETTER DATED 28 DECEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola (see annex), which was adopted by the Committee under the no-objection procedure on 24 December 1998 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Njuguna M. MAHUGU, OGW
Chairman
Security Council Committee established
pursuant to resolution 864 (1993)
concerning the situation in Angola

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Annex

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

I. INTRODUCTION

1. The present annual report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola covers the period from January to December 1998.

II. SUMMARY OF THE COMMITTEE'S ACTIVITIES DURING THE REPORTING PERIOD

2. At its 13th meeting, on 6 January 1998, the Committee elected its bureau for 1998, which consisted of Ambassador Njuguna M. Mahugu, OGW (Kenya) as Chairman, with the delegations of Costa Rica and Japan providing the two Vice-Chairmen. The Committee held two meetings as well as several informal meetings in 1998.

3. By a note verbale of 19 February 1998, the Committee transmitted to all States and international organizations/specialized agencies for their information and use, as necessary, an addendum to the list of senior officials of the União Nacional para a Independência Total de Angola (UNITA) and adult members of their immediate families whose travel had been restricted in accordance with paragraphs 4 (a) and 4 (b) of resolution 1127 (1997) of 28 August 1997. A press release (SC/6479) on this subject was also issued.

4. At its 14th meeting, on 4 March 1998, the Committee considered various matters, and action that followed as result of decisions taken are reflected below:

(a) The Committee continued its consideration of a further addendum to the above-mentioned list of senior officials of UNITA and adult members of their immediate families, which is to be updated on a regular basis, and any additions or deletions are to be transmitted to all States and international organizations/specialized agencies;

(b) The Committee also considered information received regarding a list of UNITA aircraft allegedly operating/registered in four countries (Côte d'Ivoire, Republic of the Congo, South Africa and Zambia). In accordance with a decision taken, the Chairman addressed letters to these four countries requesting verification of this information. Two countries (Zambia and South Africa) have since replied. The reply received from Zambia indicated that the information received by the Committee was incorrect, and that the aircraft referred to in the Chairman's letter were not registered and did not operate from Zambian territory. It further furnished the Committee with relevant information and action taken by the Zambian Government to ensure that all aircraft entering and leaving Zambia did not engage in any activity that would violate the provisions

of the relevant Security Council resolutions. The reply received from South Africa transmitted information on the registered owners, country of registration and flight details of the aircraft in question, and further informed the Committee of the continuing investigations being undertaken by the South African Police Service and intensification of surveillance at South African airports;

(c) The Committee further considered a letter from the Permanent Representative of Ukraine to the United Nations concerning a Ukrainian aircraft, leased by a South African company, which was impounded by the Angolan authorities for allegedly violating the sanctions imposed against UNITA, and invoked the assistance of the Committee on this matter. The Chairman, as decided by the Committee, discussed this issue with the Permanent Representatives of Ukraine and Angola;

(d) The Chairman sought the Committee's guidance on his proposed visit to Angola and neighbouring countries for the purpose of discussing implementation of the sanctions imposed against UNITA. The Committee endorsed this timely visit, and emphasized the importance of sanctions as an instrument for advancing the peace process in Angola. Subsequently, the Chairman visited Angola, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya, Namibia, South Africa, Togo and Zambia, and on his return briefed the Security Council on the outcome of his visit.

5. In connection with a list of aircraft registered in Angola required in accordance with paragraph 4 (d) (iii) of resolution 1127 (1997), the Committee has addressed several letters to the Government of Angola on this matter but to date has not received any response.

6. On 6 March 1998, a reminder note verbale was sent by the Chairman to those States that had not reported information on the measures adopted by them in implementation of paragraph 4 of resolution 1127 (1997). Additional replies received from 26 States were issued as documents of the Committee, and are listed in reports submitted by the Committee to the Security Council (S/1998/145 and Add.1-3). Subsequently, two more replies were received from Botswana and Liechtenstein, bringing the total number of States that had replied to 57.

7. In its resolution 1173 (1998) of 12 June 1998, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to expand the measures imposed against UNITA. These measures require States, except Angola, to freeze UNITA funds within their territory and ensure that those funds are not made available directly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997). It also requires States, in areas of Angola to which State administration has not been extended, to take the necessary measures to prevent all official contacts with UNITA leadership; prohibit import of diamonds from Angola that are not controlled through the Government's Certificate of Origin; prohibit the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services as well as motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services. The foregoing measures came into force on

1 July 1998, in accordance with paragraph 2 of resolution 1176 (1998) of 24 June 1998.

8. In accordance with paragraph 13 of resolution 1173 (1998) the Committee is authorized to approve, on a case-by-case basis, exemptions to the foregoing measures specified in paragraphs 11 and 12 of resolution 1173 (1998) for verified medical and humanitarian purposes. In this connection, the Committee approved, on a no-objection basis, one request for an exemption to the measure specified in paragraph 12 (a) of resolution 1173 (1998) on humanitarian grounds.

9. By paragraph 20 of resolution 1173 (1998), the Security Council mandated the Committee to undertake the following tasks:

(a) To draw up guidelines expeditiously for the implementation of paragraphs 11 and 12 of resolution 1173 (1998), and to consider ways and means for further strengthening the effectiveness of the measures adopted by the Council in its previous resolutions;

(b) To report to the Council by 31 July 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 of resolution 1173 (1998).

10. The Committee adopted the revised consolidated guidelines for the conduct of its work on 17 July 1998. These guidelines, which were specifically formulated to assist States in the implementation of paragraph 12 (c) and (d) of resolution 1173 (1998), were transmitted by a note verbale on 21 July 1998 to all States and international organizations/specialized agencies. A press release on this subject (SC/6553) was also issued. That note verbale also requested States to provide the Committee with information on the measures taken by them to implement the provisions of paragraphs 11 and 12 of resolution 1173 (1998). Replies received from 31 States were issued as documents of the Committee, and are listed in reports submitted by the Committee to the Security Council (S/1998/728 and Add.1). Subsequently, two additional replies were received from Botswana and Liechtenstein, bringing the number of States that had replied to 33.

III. ACTION BY THE SECURITY COUNCIL

11. In addition to resolutions 1173 (1998) and 1176 (1998) mentioned above, the Security Council, in resolutions 1149 (1998) of 27 January 1998, 1157 (1998) of 20 March 1998 and 1164 (1998) of 29 April 1998, reaffirmed its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures against UNITA in accordance with paragraphs 8 and 9 of resolution 1127 (1997).

12. In paragraph 3 of resolution 1157 (1998), the Council also endorsed the planned visit by the Chairman of the Committee to Angola and other interested countries to discuss the full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) with a view to urging compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions. In paragraph 4 of resolution 1157 (1998) and

paragraph 14 of resolution 1164 (1998), the Council called upon States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127 (1997), reiterated the Council's request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127 (1997) provide this information to the Committee, and requested the Secretary-General to report on these violations by UNITA and certain Member States.

13. In paragraph 13 of resolution 1164 (1998), the Council expressed its appreciation to the Chairman of the Committee, who visited Angola and other interested countries, and reinforced the need for full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) in order to achieve compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions.

14. In paragraph 11 of resolution 1190 (1998) of 13 August 1998, paragraph 5 of resolution 1195 (1998) of 15 September 1998 and paragraph 13 of resolution 1202 (1998) of 15 October 1998, the Council called on Member States to implement fully the relevant provision of resolutions 1173 (1998), 1127 (1997) and 864 (1993). In resolution 1202 (1998), the Council also, inter alia, expressed its readiness to consider appropriate reinforcing steps. In paragraph 14 of that resolution, the Council further requested the Chairman of the Committee to investigate reports that the leader of UNITA travelled outside Angola in violation of resolution 1127 (1997), and that UNITA forces received military training and assistance as well as arms from outside Angola in violation of resolution 864 (1993). In addition, in that resolution the Council requested the Secretary-General to include in his report on Angola recommendations regarding ways of improving the implementation of the measures imposed on UNITA.

15. In resolution 1196 (1998) of 16 September 1998, the Council aimed at strengthening the effectiveness of existing arms embargoes. In particular, in paragraph 3 of that resolution, the Council requested the arms embargo Committees to submit recommendations, as appropriate, for strengthening the effectiveness of these embargoes.

16. In resolution 1213 (1998) of 3 December 1998, inter alia, the Council urged Member States to support the peace process in Angola through full and immediate implementation of the measures against UNITA, and expressed its readiness to consider appropriate reinforcing steps in accordance with the recommendations to be included in the Secretary-General's report on Angola to be submitted to the Council by 15 January 1999. It further reiterated the request contained in resolution 1202 (1998) for recommendations regarding technical and other ways for Member States to improve the implementation of the measures imposed against UNITA.

IV. OBSERVATIONS

17. Given the deteriorating situation in Angola, the Committee stresses the need for Member States, with a view to supporting the peace process in Angola, to comply with their obligations in the implementation of the measures imposed against UNITA by resolutions 864 (1993), 1127 (1997) and 1173 (1998). In this

regard, the Committee would in particular like to draw attention to paragraph 2 of resolution 1196 (1998), in which the Council encourages Member States, as appropriate, to consider as a means of implementing these obligations the adoption of legislation or other legal measures making the violation of arms embargoes by the Security Council a criminal offence. Furthermore, in accordance with paragraph 4 of resolution 1196 (1998), the Committee intends to consider appropriate steps with a view to improving the monitoring of the arms embargo and other measures imposed against UNITA, and to that end will establish channels of communication with relevant regional and subregional organizations and bodies.